

## CHAPTER 6

### ARTICLE 5 – CLASSIFICATION PROCESS

*Revised November 3, 2006*

#### 62010.4.3.1 “R” Suffixes

The purpose of applying an “R” suffix is to ensure the safety of inmates, correctional personnel, and the general public by identifying inmates with a history of specific sex offenses.

##### 62010.4.3.1.1 Reception Center

The “R” suffix designation shall be affixed during reception center processing if one of the following four criteria applies:

- The inmate is required to register per Penal Code (PC) Section 290.
- The inmate’s parole was revoked by Board of Prison Hearings (BPH) formerly known as Board of Prison Terms (BPT)/Parole Hearing Division (PHD) Good Cause Finding of an offense that is equivalent to an offense listed in PC Section 290.
- The inmate had a BPH formerly known as California Youth Authority (CYA)/Youth Offender Parole Board (YOPB)/Youth Authority Board sustained adjudication of an offense that is equivalent to an offense listed in PC Section 290.
- The inmate had a valid “R” suffix evaluation, as defined in this section, resulting in the “R” suffix being affixed.

The assigned Correctional Counselor shall document the “R” suffix designation on the following applicable documents:

- Institutional Staff Recommendation Summary (ISRS)
- CDC Form 816, Reception Center Readmission Summary
- CDC Form 839, Classification Score Sheet
- CDC Form 840, Reclassification Score Sheet
- CDC Form 841, Readmission Score Sheet

Inmates with a prior “R” suffix evaluation inconsistent with the policy defined in DOM Section 62010.4.3.1.3 shall not have an “R” suffix applied. An “R” suffix evaluation must be completed at a receiving institution.

##### 62010.4.3.1.2 Receiving Institution

The “R” suffix designation shall be affixed to an inmate’s degree of custody during initial

classification when the “R” suffix was not applied during reception center processing and the inmate meets one of the four criteria above.

The assigned Correctional Counselor shall initiate an “R” suffix evaluation when:

- An inmate was arrested, detained or charged with an offense that would warrant the inmate to register per PC Section 290.
- An inmate’s charges were dismissed or no disposition of the charges per the criminal history, CI&I, FBI rap sheet and POR, for an offense that would warrant the inmate to register per PC Section 290.
- An inmate’s probation was revoked/denied because he or she committed an offense, whether or not prosecuted, that would warrant the inmate to register per PC Section 290, and the inmate was sentenced and ordered by the court to serve his or her sentence in CDCR.
- An inmate was arrested, detained or charged with an out-of-state/country, federal or military offense deemed equivalent to a California law that would warrant the inmate to register per PC Section 290.
- An inmate’s charges were dismissed or no disposition of the charges per the criminal history, FBI rap sheet and POR, for an out-of-state/country, federal or military offense deemed equivalent to a California law that would warrant the inmate to register per PC Section 290.
- An inmate was found guilty in a disciplinary hearing of a division A-1, A-2 or B offense that would warrant the inmate to register per PC Section 290.

An inmate shall not have an “R” suffix affixed during an “R” suffix evaluation when the required documentation is not available for review. A classification committee may complete a valid evaluation when the arrest report is available and the DA’s comments are unavailable. The classification committee will document in the CDC Form 128-G the attempts/steps taken to obtain the required documentation.

If the relevant documents required to complete an “R” suffix evaluation are not available, i.e., destroyed, purged, lost, etc., the “R” suffix shall not be applied by a classification committee. The classification committee will document in the CDC Form 128-G the steps attempted in

order to try and obtain the required documentation and why the documents are unavailable. Departmental Review Board (DRB) approval is required to affix an “R” suffix designation to an inmate’s degree of custody if he/she meets the criteria in this paragraph.

An “R” suffix shall not be applied if the inmate was acquitted/found not guilty of the sex related charges in a court of law even if BPH Good Cause finding revoked his/her parole for those sex related charges.

#### **62010.4.3.1.3 “R” Suffix Evaluations**

Inmates requiring an “R” suffix evaluation shall be carefully evaluated at the receiving institution and presented to a classification committee within six months after reception center processing. This review may be completed at an institution any time during the inmate’s incarceration if not completed within the first six months.

“R” suffix evaluations shall be completed as follows:

- The assigned Correctional Counselor shall order the arrest report(s) and DA comments for the offense.
- The assigned Correctional Counselor may also obtain court documents or any other official documents necessary to complete the evaluation.
- Unit Classification Committee (UCC) shall consider the arrest report, DA comments, or any other official documents related to the case. The committee shall document the decision and the specific reasons for the action including the information upon which the decision was based on the CDC Form 128-G.
- UCC may affix the “R” suffix, elect not to affix the “R” suffix or refer the case to Institution Classification Committee (ICC) for evaluation.
- ICC shall consider the arrest report, DA comments, or any other official documents related to the case. The committee shall document the decision and the specific reasons for the action including the information upon which the decision was based on the CDC Form 128-G.
- ICC may affix the “R” suffix, elect not to affix the “R” suffix or refer the case to DRB for evaluation.

#### **62010.4.3.1.4 Classification Committees**

For the purpose of this section the following terms are defined:

- Institution means a large facility or complex of subfacilities with a secure (fenced or walled) perimeter headed by a warden.
- Facility means a subfacility of an institution headed by a facility captain.

A facility UCC may complete an “R” suffix evaluation of an inmate. Should a different facility UCC at the same institution disagree with the first UCC’s decision to affix or not to affix the “R” suffix, the committee must refer the case to the ICC for re-evaluation.

Should a facility UCC at a receiving institution disagree with a previous institution’s UCC or ICC “R” suffix evaluation, the committee shall refer the case to their ICC for evaluation.

The receiving institution’s ICC can reverse an “R” suffix evaluation completed by a previous institution’s UCC as long as the case was not evaluated by the previous institution’s ICC.

The receiving institution’s ICC can reverse an “R” suffix evaluation completed by a previous institution’s ICC only if new and compelling information is obtained; otherwise, the case must be referred to DRB.

#### **62010.4.3.1.5 Restrictions**

When an inmate is housed in a Camp, MSF, or Community Correctional Center and it is determined that he/she warrants an “R” suffix, the inmate shall be removed and housed in at least a Level II facility.

When an inmate is housed in a Camp, MSF, or Community Correctional Center and it is determined that he/she warrants an “R” suffix evaluation, the inmate shall be removed and housed in at least a secure Level I facility pending completion of the evaluation.

Inmates with “R” suffixes shall not be assigned outside the security perimeter.

An inmate whose “R” suffix has been removed shall be eligible for any housing or assignment, consistent with their custody and placement score, for which they otherwise would qualify had the “R” suffix never been designated.

#### **62010.4.3.1.6 Former PC Section 290 Registrants**

Inmates who have a valid Certificate of Rehabilitation pursuant to PC Section 4852.01 shall not have the “R” suffix affixed.

If the assigned Correctional Counselor notes the inmate, per the Criminal Identification and Information (CI&I), was convicted of a PC Section 290 Offense, but per the Legal Status Summary (LSS) he/she is not required to register, the assigned Correctional Counselor shall check the Detainers Section of the central file for a CDC Form 3017, “Relevant Central File Information.”

If there is no CDC Form 3017 completed on the PC Section 290 registration, the assigned Correctional Counselor shall refer the case to Case Records for resolution.

#### **62010.4.3.1.7 PC Section 290 Offenses**

PC Section 290 offenses include, but are not limited to, the following:

- PC 207 Kidnapping  
Committed with intent to violate PC 261, 286, 288, 288a, or 289.
- PC 209 Kidnapping for Ransom  
Committed with intent to violate PC 261, 286, 288, 288a, or 289.
- PC 220 Assault to Commit Rape, Sodomy, or Oral Copulation  
Except Assault to Commit Mayhem.
- PC 243.4 Sexual Battery
- PC 261(a)(1) Rape: Victim incapable of giving consent
- PC 261(a)(2) Rape by Force
- PC 261(a)(3) Rape of Drugged Victim
- PC 261(a)(4) Rape: Victim unconscious of the nature of the act
- PC 261(a)(6) Rape by Threat of Retaliation
- PC 262(a)(1) Rape Spouse by Force/Fear/Etc  
Involving the use of force or violence for which the person is sentenced to the state prison.
- PC 264.1 Rape/Etc in concert with Force/Violence
- PC 266 Entice Minor Female for Prostitution/Etc

- PC 266c Induce Intercourse/Sex Acts by False Representation: Int: Fear
- PC 266h(b) Pimping/where Prostitute is under 16 (convicted after 1/1/98)
- PC 266i(b) Pandering/ where Prostitute is under 16 (convicted after 1/1/98)
- PC 266j Procurement of Under 16 for Lewd and Lascivious Acts
- PC 267 Abduct Minor for Prostitution
- PC 269 Agg Sex Assault/Child under 14 or 10 Years Younger
- PC 285 Incest
- PC 286 Sodomy
- PC 288 Crimes Against Children/Lewd or Lascivious
- PC 288a Oral Copulation
- PC 288.5 Continuous Sexual Abuse of Child
- PC 289 Sexual Penetration with Foreign Object
- PC 311.1 Bring Into State Matter Depicting Child in Sexual Conduct
- PC 311.2(b) Possess/Distribute Obscene Matter Depict Minor: Commercial Consideration
- PC 311.2(c) Distribute/Etc Obscene Matter Depicting person Under 18 (Misd)
- PC 311.2(d) Distribute/Etc Obscene Matter of Minor to Minor
- PC 311.3 Developing/Duplicating/Printing/Exchanging Obscene Matter Depicting Sexual Conduct of Person Under 18
- PC 311.4 Use Minor to Assist in Distribution of Obscene Matter
- PC 311.10 Advertise Obscene Matter/Depicting Minor
- PC 311.11 Possess/Etc Obscene Matter of Minor in Sexual Act
- PC 647.6 Annoy/Molest Children  
Formerly PC 647a.
- PC 653f(c) Soliciting Commission of 261, 286 or 288a by Force or Violence
- PC 314.1 Indecent Exposure
- PC 314.2 Assist Act of Indecent Exposure
- PC 272 Contribute to the Delinquency of a minor

Offense must involve lewd or lascivious conduct.

- PC 288.2 Harmful Matter: Special Circumstance

Felony violation.

- Attempt of above listed offenses
- MDSO conviction
- Judicial Imposition